

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BEN WALKER,

Plaintiff

vs.

BANK OF AMERICA,

Defendant

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3:12-CV-2607  
(JUDGE MARIANI)

FILED  
SCRANTON

JUN 24 2013

PER M. G. P.  
DEPUTY CLERK

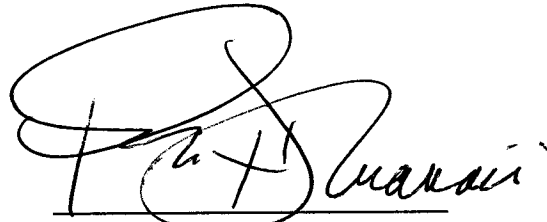
ORDER

AND NOW, THIS 24TH DAY OF JUNE, 2013, upon *de novo* review of Magistrate Judge Blewitt's Report and Recommendation (Doc. 32) the Objection to Report and Recommendation filed by the Plaintiff (Doc. 33) and the Defendant's Brief in Opposition to Plaintiff's Objection to Magistrate Judge Blewitt's Report and Recommendation (Doc. 35), Defendant's Motion to Dismiss the Second Amended Complaint (Doc. 13), and all pleadings, specifically including Plaintiff's Complaint (Doc. 1), Amended Complaint (Doc. 3), and Second Amended Complaint (Doc. 5) and all exhibits submitted by Plaintiff, **IT IS**

**HEREBY ORDERED THAT:**

1. Plaintiff's Objections (Doc. 33) are **OVERRULED**;
2. The Report and Recommendation (Doc. 32) is **ADOPTED**;
3. The Defendant's Motion to Set Aside Default (Doc. 15) is **GRANTED**;
4. Plaintiff's Motion for Default Judgment (Doc. 16) is **DENIED**;

5. Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint (Doc. 13) is **GRANTED AND** the Second Amended Complaint (Doc. 5) is **DISMISSED WITH PREJUDICE**.
6. The Clerk is directed to **CLOSE THIS CASE**.

A handwritten signature in black ink, appearing to read "R. D. Mariani", written over a horizontal line.

Robert D. Mariani  
United States District Judge